IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4631 OF 2005

Mr. Manmohan Manohar Galwankar ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri. A.A.Mir for the Applicant.
Ms M.M. Deshmukh, A.P.P. for the Respondent.

CORAM : A.S.OKA, J.
DATED : JULY 29, 2005.

P.C.:

1. Heard Advocate appearing for the Applicant and the learned A.P.P. for the State. While allowing the Bail Application filed by the Applicant, the learned Additional Sessions Judge by an order dated 11th July, 2005 directed that the Applicant shall be released on bond of Rs.50,000/- with a surety or cash in the like amount on condition that he deposits cash amount of Rs.4,88,772/- with the Registrar of the Sessions Court, Mumbai.

2. The learned Counsel for the Applicant submitted that the Applicant is ready and willing to deposit the sum of Rs.1,50,000/- in cash immediately and he is prepared to deposit the balance amount of Rs.3,38,772/- within a period of eight weeks. He states that unless the Applicant is enlarged on bail, it will not be possible to procure large amount of Rs.4,88,772/-.

3. The learned A.P.P. pointed out that the Applicant was enlarged on bail only in the view of

report dated 6th July, 2005 filed by the Prosecuting Agency before the Sessions Court and therefore, the condition imposed by the learned Additional Sessions Court cannot be modified.

4. The Applicant has shown readiness and willingness to pay the entire amount as directed by the learned Additional Sessions Judge. The Applicant has shown willingness to deposit a sum of Rs.1,50,000/- immediately. The Applicant will be in a position to pay the balance amount only if he is enlarged on bail. Time of eight weeks cannot be granted to deposit the balance amount and only six weeks time deserves to be granted. The statement of the Applicant made through the learned Counsel to deposit sum of Rs.1,50,000/- in cash immediately is accepted. The statement of the Applicant made through learned Counsel for the Applicant to deposit the balance amount of Rs.3,38,772/- within the time fixed by this Court is also accepted.

5. Hence, order dated 11th July, 2005 is substituted by the following:

(i) The Applicant shall be enlarged on bail subject to furnishing a bond of Rs.50,000/- with one surety or cash in the like amount on condition that he deposits a sum of Rs.1,50,000/- in cash with the

Registrar of the Sessions Court, Mumbai. It is made clear that the order granting bail will be given effect only after deposit of cash of Rs.1,50,000/- by the Applicant.

(ii) The order granting bail will be given effect only after the Applicant gives an undertaking in writing to the Sessions Court, Mumbai to deposit further sum of Rs.3,38,772/- with the Registrar of the Sessions Court, Mumbai within a period of six weeks from the date on which the Applicant is enlarged on bail. A further undertaking will be given that whenever any amount is received by him in future under the scheme from the other investors, he will deposit the same forthwith with the Investigating Agency.

(iii) The Applicant will co-operate with investigation till chargesheet is filed and will attend the office of E.O.W. as and when required.

(iv) Failure on the part of the Applicant to deposit the balance amount of Rs.3,38,772/- and failure to comply with undertaking will be a ground for cancellation of bail.

(v) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses

and shall not in any manner tamper with prosecution evidence.

(vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vii) Application is disposed of in the above terms.

(viii) Though the Application is disposed of, office is directed to place this Application on board after seven weeks for reporting the compliance with the condition of deposit of Rs.3,38,772/-.

(ix) The parties to act upon an authenticated copy of this order.

JUDGE